IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

Crl.MC.No. 3434 of 2007(B)

PETITIONER:

MUKESH DAS E.T., S/O TALASIDAS,
ELANJIKKAL VEEDU, MANGARUM MURI,
KONNI VILLAGE, KOZHENCHERRY TALUK.

BY ADV. SRI.K.RAVEENDRAN
SMT.C.A.SEENA

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

3. THE CIRCLE INSPECTOR OF POLICE,
KONNI.

4. T.UGAMRAJ,
KANDAPPA MUDALI STREET,
SOWCARPET, CHENNAI,
TAMIL NADU.

5. A.M.CHACKOCHEN,
M/S AISWARYA FINANCE AGENCY,
AICKRAKONAM, PUNALUR, KOLLAM DISTRICT.

R1 TO 3 BY PUBLIC PROSECUTOR SRI. P. RAVEENDRA BABU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 3434 of 2007

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Dated this the 22nd day of November, 2007

O R D E R

The petitioner has entered into an agreement with the 4th respondent for availing a loan for purchase of a vehicle. He apprehends that alleging non-compliance of the terms of that agreement, the 4th respondent may take law into his hands and re-possess the vehicle. The petitioner is not willing to voluntarily surrender his vehicle before the 4th respondent. Petitioner is ready to pay the amount and avoid the consequence of re-possession. The petitioner apprehends that the 4th respondent may attempt to re-possess the vehicle. He has already been making preparation for that. In these circumstances the petitioner wants the police to register a crime and conduct investigation.

2. The prayer evidently is misconceived and cannot be granted. If the petitioner is willing to pay the amount and wants the 4th respondent to be restrained from exercising any right

under the agreement between him and 4th respondent, the petitioner must certainly go before the civil court and seek appropriate relief. If the 4th respondent resorts to commission of any crime, certainly the petitioner can complain of such crime if and when committed. I find absolutely no merit in the prayer that even prior to the commission of the crime, an F.I.R. must be registered and investigation must be conducted. I do not find any merit in this Petition.

3. This Crl.M.C. is accordingly dismissed.

(R. BASANT)
Judge

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